

Examiner's Detailed Office Action

1. This Office is responsive to application 10/540,284, filed June 20, 2005. The examiner further acknowledges the applicant's filing of the preliminary amendment filed June 20, 2005 wherein the applicants canceled claims 1-20 and introduced claims 21-40. Claims 21-40 have been examined.

Objections to the Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the:

"help data",

"additional help data",

"context data", and

the steps of the automatic adoption of "the context data" in the second help facility

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d)

are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-33 are rejected under 35 U.S.C. 101 because these claims fail to be drawn to patent eligible subject matter.

As stated above, claims 21-33 appear to represent nonstatutory subject matter under 35 USC 101 in light of the information provided below.

The Specification expressly states the following:

Par. [0012]

- "A help system according to the invention is described in detail below with reference to Fig. 1. Fig. 1 shows a help system 1, which comprises a first help facility 2, which is installed on a data processing device 3 as a part of a software and/or application. The first help facility 2 is thus a help facility **which is delivered as part of a software together with the software and is installed on the data processing device 3**. In the event that a user requires help data in order to answer a question or a problem which arises, the user enters search terms by means of an input..."

Par. [0014]

- "For the purpose of the invention, a second help facility 5 is to be integrated into the help facility 1 according to the invention, in addition to the first help facility 2. The second help facility 5 is configured as an online help facility and contains day-to-day information and/or help data. The data processing device 3, on which is installed the first help facility 2, accesses the second help facility 5 such that generated context data is automatically transferred as context data for the search in the second help facility 5 in connection with the first help facility 2. On the basis of this context data, the second help facility 5 provides the user and/or data processing device 3 with additional help data. Accordingly in the context of the invention, the context data generated in conjunction with the use..."

Accordingly, absent any information to the contrary, it appears from the above that each of the elements recited in claim 21 represent software and the claim is drawn toward software per se. Claims 22-33 appear to further limit claim 21 with respect to software and would be the subject to the same rejection under 35 USC 101 as claim 21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-23 and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooks et al. (Brooks) (USPNUM: 4,992,972).

Regarding claim 21. (new) Brooks teaches a help system (see Abstract and FIGS. 1 and 4) comprising:

a first help facility installed on a data processing device, wherein the first help facility provides help data to a user on the basis of context data produced implicitly or explicitly by the user (see Abstract, Examiner interprets "context-sensitive help" to be a first help facility installed on a data processing device (see FIG. 1), wherein the first help facility provides help data to a user on the basis of context data produced implicitly or explicitly by the user ("the help module mapped

to current cursor position").), wherein the help data is stored in the first help facility (see FIG. 4 and col. 6, lines 21-35, Examiner interprets "help object 440" to be used to store help data modules 441. Examiner interprets "help object 440" to be part of the first help facility.); and

a second help facility accessed by the data processing device such that the context data is adopted automatically in the second help facility (see Abstract, Examiner interprets "index-sensitive help" to be a second help facility accessed by the data processing device such that the context data ("search words in an entry area") is adopted automatically in the second help facility.), wherein the second help facility provides additional help data to the user on the basis of the context data (see Abstract, Examiner interprets a list of "the modules associated with the search word ordered by number of hits" to be additional help data to the user on the basis of the context data.),

wherein the additional help data is stored in the second help facility (see FIG. 4 and col. 6, line 63 to col. 7, line 32, Examiner interprets "index object 450" to be used to store the additional help data. Examiner interprets "index object 450" to be part of the second help facility.).

Regarding claim 22. (new) The help system according to claim 21, wherein the first help facility is an application or a part of an application (see Abstract).

Regarding claim 23. (new) The help system according to claim 21, wherein the context data are determined on the basis of search terms (see col. 4, lines 50-53, *Examiner interprets the "lines on panel 240...arranged in order of the number of correspondences between all input search words and index terms in each help module" to be context data determined on the basis of search terms.*).

Regarding claim 34. (new) An automation device comprising a help system according to claim 21 (see FIG. 1 and col. 3, line 35 to col. 4, line 20, *Examiner interprets a "publicly available IBM System/38 data processor" with a keyboard that 'includes a conventional "help" key' such that if 'the user wishes help, he presses the keyboard "Help" key' which causes the data processor to bring up "a help-text panel" to be an automation device comprising a help system.*).

Regarding claim 35. (new) *Brooks* teaches a method for providing help data (see Abstract), the method comprising:

implicitly or explicitly defining context data regarding a first help facility by a user (see Abstract, *Examiner interprets "context-sensitive help" where "the help module mapped to current cursor position" to implicitly or explicitly define context data ("current cursor position") regarding a first help facility by a user.*);

providing help data to the user, the help data based on the context data (see Abstract, *Examiner interprets the "context-sensitive help" to be the first help facility and to provide help data ("the help module") to the user, the help data based on the context data ("current cursor position").*), and wherein the help data is stored in the first help facility (see FIG. 4 and col. 6, lines 21-35, *Examiner interprets "help object 440" is used to store help data modules 441. Examiner interprets "help object 440" to be part of the first help facility.*);

automatically adopting the context data in a second help facility (see Abstract, *Examiner interprets "index-sensitive help" to automatically adopt the context data ("search words in an entry area") in a second help facility.*);

providing additional help data to the user based on the context data by the second help facility (see Abstract, *Examiner*

interprets a list of "the modules associated with the search word ordered by number of hits" to provide additional help data to the user based on the context data by the second help facility.), wherein the additional help data is stored in the second help facility (see FIG. 4 and col. 6, line 63 to col. 7, line 32, Examiner interprets "index object 450" to be used to store the additional help data. Examiner interprets "index object 450" to be part of the second help facility.).

Regarding claim 36. (new) The method according to claim 35, wherein the context data are determined on the basis of search terms (see col. 4, lines 50-53, Examiner interprets the "lines on panel 240...arranged in order of the number of correspondences between all input search words and index terms in each help module" to be context data determined on the basis of search terms.).

Allowable Subject Matter

7. Claims 24-33 would be allowable if applicants can overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office

action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan H. Brown, Jr. whose telephone number is 571-272- 8632. The examiner can normally be reached on M-F 1100-1900. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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